

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,687	06/29/2001	Young Ho Yim	K-298	6279

34610 7590 08/30/2005

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/893,687	Applicant(s) YIM ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/30/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the amendment dated 3/31/2005.
2. Claims 8-50 are pending, wherein claims 42-50 are newly added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-24, 27, 29-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA (Applicants Amitted Prior Art), in view of Bienias (US Pat. 6,813,610), in view of Contreras et al. (US Pat. 6,823,299), and in view of Watanabe (US Pat. 6,384,834).

In the background and Figs.1-3, applicants (AAPA) admit that most of the claimed features are old and well known, except simulation of a 3-D product (see the specification, the background para. [003-005], para. [009-013]). Please note that even not directly admit several features of pending claims, they are obvious from background activities.

In para.[008], the applicants states that the invention is not suitable between B2B; the examiner respectfully submits that this situation rarely happens because buying a large volume of products would require very careful selections and researches, and must be carefully reviewed and approved by higher level of managements (e.g., a manager, a CEO .etc.) before making any decision of a purchasing contract. Similarly, it is obvious to

apply for B2C cases because an individual MUST spend PERSONAL MONEY and EFFORTS before coming up a decision for purchasing a product; therefore, it is not often to make a wrong purchasing decision. Furthermore, Internet connections have been provided all communication among service providers, enterprises, and buyers to efficiently exchange information related to their inquiries.

Therefore, the examiner respectfully submits that the missing 3-D product simulation are suggested by Contreras et al., Bienias, and Watanabe, and their patents provides a motivation why their subject matters would be combinable to what already admitted from prior art.

Note: Bienias discloses that “The computer will then provide a two dimensional line drawing on the monitor of the space under consideration. The computer will then provide a display of component choices, e.g. shelves of different sizes, from a set of standard available components. For each of the components the computer will also indicate available colors, pricing, availability (e.g. in store or must be ordered) etc. The computer will then provide a three dimensional display of the components chosen by the consumer and impressed upon the living space. The computer will prompt the consumer for changes and corrections.”

This concept is clearly analogous to this pending application because the step of impressing upon the living space already suggests about simulating an overall picture. Although he does not expressly disclose a 3-D environment where a 3-D object is installed, a computer display about integration of that component impressing upon the living space inherently shows that virtual realistic.

A. Re. to claims 8, 17-19, 23-24, 27, 29-34, 37-38, and 42-50: AAPA suggest a method for operating a product selling system on multi-tasking computers, comprising steps of:
(a) a client making access to a web server of a product selling enterprise by using a client's own network;

(b) the client searching a required product (e.g., based on categories, a model number, or classification, or questionnaire about skill level);

The web server performs searches and comparison for said query, then provides “hits”. The client information are stored in a database.

AAPA do not suggest:

(c) modeling a 3D image of a searched product (including sizes/shapes), and displaying on the web page;

(d) making a 3D installation simulation/fitting of the product.

However, Contreras et al. suggest about 3-D modeling, and Bienias also doing fitting/simulations and displaying with that replacement/model/home object/appliance representation after receiving related drawings (see Bienias, and Contreras et al., the abstract, and the summary).

- About step (e) receiving information required for selling the product if receiving a purchase order, returning to prior step if a cancel order is received, and repeating the foregoing steps if there is another search (when receiving a search for alternative product).

Watanabe also teaches in Figs. 4-5: a 3-D racing car is simulated in a 3-D environment; Figs. 17, and 19A-19C display a 3-D tire on different road areas)

The examiner respectfully submits that what claimed in step (e) is merely a familiar business cycle (represented by flow-charts) doing an old and well-known “if-then-else” decision making steps.

It would have been obvious to one with ordinary skill in the art at the time of invention to implement Contreras, Bienias, and Watanabe’s suggestions in a business

activity taught by AAPA because this would provide a visual representation for layers of reviews and approval, save money and efforts of a buyer; and also avoid returning a product(s) to a seller(s).

B. Re. to claims 9-11, and 13-14: AAPA, Watanabe, Bienias, and Contreras et al. suggest a method for operating a product selling system, comprising steps of:

- verify information on a product (including information about a venue in which said product is installed via comparisons of models/type/shape/sizes etc.).
- input specification on a product for searching to a computer;
- input environment/structures where a product is installed (the examiner respectfully submits that AutoCad has this feature, e.g. installing a product to a 3D rectangular room with estimated dimensions/sizes).

Furthermore, these input information are non-functional descriptive material (e.g., information may be various/specific things) that do not change the main claimed activity of inputting information (for the claimed method); therefore, inputting “specific” information are obvious with cited prior art.

C. Re. to claims 12, 14-16, 20-23, and 39: AAPA, Watanabe, Bienias, and Contreras et al. suggest a method for operating a product selling system.

- receiving product information includes a floor number (e.g., sizes of an object, a bigger room in a building needs more light bulbs).
- modeling and simulation of how many lighting fixtures/fuses are necessary for a room (i.e., an allowable load), then displaying their images - these features are old and well known (e.g., calculating of required light powers – arrangement of light bulbs);

- claimed "information" includes a kind of product, a number of the products, delivery due date of the product (please note that "information" here are non-functional descriptive material – although claimed "information" may be different from cited prior art but they do not change the method of providing information; furthermore, these "information" are fundamental in purchasing business).

The examiner also respectfully submits that Bienias also teaches about providing a 3D display in an electronic catalog of a selected object/furniture for a living space

"Bienias: US 6813610 B1 - TITLE: Custom design and manufacturing program for interior designs

Detailed Description Text (6):The computer will then provide a two dimensional line drawing on the monitor of the space under consideration. The computer will then provide a display of component choices, e.g. shelves of different sizes, from a set of standard available components. For each of the components the computer will also indicate available colors, pricing, availability (e.g. in store or must be ordered) etc. The computer will then provide a three dimensional display of the components chosen by the consumer and impressed upon the living space. The computer will the prompt the consumer for changes and corrections.", Bienias and Contreras suggests the ideas of pending amended claim 8. The examiner respectfully submits that amended claims are obvious.

4. Claims 25-26, 28, 35-36, and 40-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA (Applicants Amitted Prior Art), in view of Bienias (US 6813610), in view of Contreras et al. (US Pat. 6,823,299), and in view of Watanabe (US Pat. 6,384,834).

The rationales and references for rejection of claim 8 are incorporated.

The examiner respectfully submits that these following features are old and well known in computer applications:

- using a drag and drop technique on a digital image with a mouse/keyboard;

- using a selective zoom function/feature (e.g., zoom IN/OUT a digital image);
- controlling/fitting an image by using various input devices, such as a mouse or a keyboard for repositioning an image's position.
- e-mail communications are well known for exchanging ideas;
- converting a drawing into "data" for transmission is old and well known (e.g., for digital transmissions).
- applying a discount ratio/(cash rebate) proportional to a total money involved/a price range of a product (e.g., when a Sears customer applies for a Sears credit card, then an amount proportional to a total purchase for using it the first time is discounted – usually 10% discounted).

It would have been obvious to one with ordinary skill in the art at the time of invention to implement Contreras, Bienias, and Watanabe's with well-known steps as listing above in a familiar business activity taught by AAPA because these are familiar manipulating techniques on objects to provide a visual representation to involved e-commerce viewers.

Response

5. The previous Office Action's AAPA (Applicants Amitted Prior Art) was not challenged; therefore, it is considered an admission of facts. The examiner also respectfully submits that Bienias also teaches about providing a 3D display in an electronic catalog of a selected object for a living space "*Bienias: US 6813610 B1 - TITLE:*

Custom design and manufacturing program for interior designs

Detailed Description Text (6): The computer will then provide a two dimensional line drawing on the monitor of the space under consideration. The computer will then provide a display of component choices,

e.g. shelves of different sizes, from a set of standard available components. For each of the components the computer will also indicate available colors, pricing, availability (e.g. in store or must be ordered) etc. The computer will then provide a three dimensional display of the components chosen by the consumer and impressed upon the living space. The computer will prompt the consumer for changes and corrections.”, Bienias and Contreras suggests the ideas of pending amended claim 8. The examiner respectfully submits that amended claims are obvious.

Conclusion

6. Claims 8-50 are not patentable. The submitted amendment necessitates a new ground of rejection(s) set forth; accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The examiner presents additional prior art that show obviousness of the term “hybrid”, hybrid images/pictures have been widely used to show same picture/image of 2-Dimension and 3-dimension simultaneously (see Bill Fane “IronCAD 2.0”. A designer only need to include 2 views of a picture (both 2-D image, and 3-D image) in a database for a customer to view (e.g., a 2-D image for a Lexus 2001, model 300RX; and a 3-D

image for that same car on a web page); therefore, putting together 2-D and 3-D elements of the same image on one picture is not inventive.

8. The examiner submits that these articles discussed about hybrid images that are considered pertinent to claimed subject matter:

- Casasent, D., and Tescher, A., Eds., "Hybrid Image and Signal Processing II", Proc.

SPIE Technical Symposium, April 1990, Orlando Fla. 1297 (1990).

- Debevec et al., « Modeling and Rendering Architecture from Photographs : A hybrid geometry- and Image-based approach », Technical Report UCB//CSD-96-893, Jan. 1996.

- Burke, (US Pat.5,848,399 filed on 7/25/1996, published on 12/08/1998 – US class.

705/27) about a computer system for allowing a consumer to purchase packaged goods at home.

- Thies et al., (US Pat. 5,206,804 filed 5/1990, pub. on 4/27/1993) about footwear visual image cataloging & sizing.

- Bill Fane, IronCAD 2.0 provides 3D modeling power: 3D modeling and animation are the strong suits of Visionary Design System's MCAD product, CADalyst, 8/1999 (from <http://www.findarticles.com>, 8 pages).

- Bill Schweber, Prototyping tools transform design dreams into reality, EDN, 5/13/1999 (from <http://www.findarticles.com>, 10 pages).

- Tony Hotchkiss, Customization options: Make AutoCAD 2000 do what you want, CADalyst, 7/2000 (from <http://www.findarticles.com>, 7 pages).

- Robert Martin, Solid modeler delivers clever productivity features, Machine Design, 8/20/1998, (from <http://www.findarticles.com>, 3 pages).


- Katherine Tyrka, Part libraries on the Web: 2D and 3D manufacturers' standard parts can be downloaded in a variety of native or neutral formats from the Web, or through complete libraries on CDs, saving time and effort to complete assembly design, Design News, 1/07/2002, (from <http://www.findarticles.com>, 4 pages).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:30 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661